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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,993	08/31/2000	Vishnu K. Agarwal	98-0616.03	4012

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EXAMINER

DIAZ, JOSE R

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,993

Applicant(s)

AGARWAL, VISHNU K.

Examiner

José R. Díaz

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9 and 76-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9 and 76-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

➤ The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

➤ Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Lu et al. (US Patent No. 5,913,145).

Regarding claim 4, Lu et al. teach a method (see cols. 1-4) comprising the steps of: passivating a surface (12) (see Figures 1B-1D) and forming a second conductive layer (14) (see Fig. 1E). Regarding the oxygen-free material, Lu et al. teach that the step of annealing the tungsten nitride (12) results in the formation of only two non-oxide products, e.g. titanium nitride layer (12') and tungsten (13') (see col. 4, lines 1-28), hence it is inherent that such step of annealing includes "an oxygen-free material".

Claim Rejections - 35 USC § 103

➤ The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

➤ Claims 4-9 and 76-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Specification in view of Agarwal et al. (US Pat. No. 6,201,276 B1).

Regarding claims 4, 76 and 81-82, Applicant acknowledges that is well known in the art to form a device (see Figures 1-3 and 6-8) comprising a first conductive of tungsten nitride (28) and a second conductive of polysilicon (30) (see Figure 2). In addition, Applicant acknowledges that it is well known in the art to deposit a plug (46) (see Figures 7-8). However, Applicant fails to disclose passivating the tungsten nitride. Agarwal et al. teach a well-known method wherein the tungsten nitride is annealed to form a protective barrier (see col. 4, lines 40-67, col. 5, lines 64-67 and col. 6, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify Applicant's Specification to include the step of passivating the tungsten nitride. The ordinary artisan would have been motivated to modify Applicant's Specification in the manner described above for at least the purpose of reducing the current leakage in the capacitor.

Regarding claims 5-9, 77-80, 82-83 and 85-88, Applicant, as stated supra, does not teach the step of passivating the tungsten nitride. However, Agarwal et al. teach that

is well known in the art that the step of passivating said tungsten nitride comprises introducing a gas containing an oxygen-free material (see col. 4, lines 41-45 and 65-66). In addition, Agarwal et al. teach that said gas comprises a nitrogen-free gas (see col. 4, lines 53-58). Furthermore, Agarwal et al. teach that said gas comprises ammonia and the annealing is performed a temperature of 150-600 °C (see col. 6, lines 49-62). Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify Applicant's Specification to include the step of passivating the tungsten nitride. The ordinary artisan would have been motivated to modify Applicant's Specification in the manner described above for at least the purpose of reducing the current leakage in the capacitor. Regarding the parameters disclosed in the claims, it would have been obvious to one of ordinary skill in the art, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claim 84, Applicant acknowledges that the second conductive layer (48) comprises copper (see page 10, lines 19-20).

Response to Arguments

➤ Applicant's arguments with respect to claims 4-9 and 76-88 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

➤ The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Narwankar et al. (US Patent No. 6,204, 203 B1) disclose post deposition treatment of dielectric films for interface control.

➤ Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José R. Díaz whose telephone number is (703) 308-6078. The examiner can normally be reached on 8:00 - 5:00 Monday through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie C. Lee can be reached on (703) 308-1690. The fax phone numbers

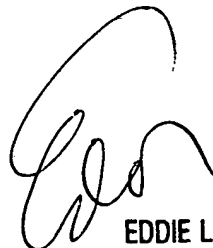
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for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JRD
December 26, 2001



EDDIE LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800